

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Stephen Kontos (Reg. No. 60337) on October 19, 2009. Discussed amending independent claim 43 to include the limitations of sending the call setup signals through the packet networks, indicating call availability as defined in claim 52. Attorney authorized and agreed to the change in independent claim 43.

Claim 52 has been canceled.

As per currently amended claim 43, please insert the following amendment.

In claim 43, line 14. *packet-switched data network* has been replaced by

--packet-switched data network;

receiving an indication that the called party is at least one of busy or available; when the calling party is indicated busy, sending a second signaling message over the packet-switched data network indicating the called party is busy;

when the called party is indicated available, sending a third signaling message over the packet-switched network indicating the called party is available—.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

Prior art teaches of sending and receiving signaling messages for call setup indication availability by answering/not answering (busy) in an SS7 network, not in a packet-switched network (i.e. internet).

The prior art fails to show or fairly suggest sending a first signaling message over a packet-switched data network to the called party using the address of the called party computing device, the first signaling message including the telephone number of the called party and a telephone number of the calling station; establishing a voice communication between the calling station and the called party via the packet-switched data network; and receiving an indication that the called party is at least one of busy or available; when the calling party is indicated busy, sending a second signaling message over the packet-switched data network indicating the called party is busy; when the called party is indicated available, sending a third signaling message over the packet-switched network indicating the called party is available

Conclusion

Other closer prior art made of record are Gutierrez et al. (US 5481603), Doshi et al. (US 5483527), and Deschaine et al. (US 6327258).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDULLAH RIYAMI whose telephone number is (571)270-3119. The examiner can normally be reached on Monday through Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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